THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.21741 of 1996

DATED:06.08.2007

Between:

Vakamalla Chinna Obula Reddy
and others

.. Petitioners

And

District Collector, Cuddapah and others

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.21741 of 1996

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in proceeding to issue DKT pattas on the petitioners' lands over an extent of Ac.4-18 cents in Sy.No.903/3, Ac.4-62 cents in Sy.No.903/4, Ac.5-40 cents in Sy.No.903/6, Ac.5-05 cents in Sy.No.903/1, Ac.4-05 cents in Sy.No.903/2 and Ac.5-40 cents in Sy.No.903/6 in Dirasanancha village, B.Matham Mandal, Cuddapah District to third persons as arbitrary and illegal, and consequently, call for the records and set aside any issuance of DKT pattas to third persons.

According to the petitioners, taking their poverty into consideration, DKT pattas were granted to them in the year 1961, and thereafter, with their hard labour, they made the said lands cultivable and thus they are eking out their livelihood by attending to agricultural operations therein. However, a notice was issued on them by the Mandal Revenue Officer in the year 1995 stating as to why the pattas granted in favour of the petitioners should not be cancelled on the ground that they have violated the condition of grant of DKT pattas that land should be brought into cultivation within three years of the grant and that they are owning some other lands. On receiving the said notice of the Mandal Revenue Officer, the petitioners offered their explanations on 08.09.1995, and thereafter, no action has been

initiated. Again on 04.09.1996, the Joint Collector issued a notice stating that the said lands issued to the petitioners belong to the Forest Department and the assignment of the said lands made in the year 1961 is contrary to rules etc., and on the request made by the first and second petitioners seeking adjournment, the matter was adjourned by the Joint Collector. But, however, in the meanwhile, as the Mandal Revenue Officer was trying to dispossess the petitioners from out of the said lands, they approached this Court and filed the present writ petition.

Despite the fact that the respondents are served with notices, the respondents have not chosen to file any counter.

This Court, by way of an interim order in WPMP.No26854 of 1996, dated 11.10.1996, directed the respondents not to dispossess the petitioners from the lands in question pending disposal of the writ petition.

Having heard the learned counsel for the petitioner, it is made clear that the notice dated 04.09.1996 issued by the Joint Collector is only a showcause notice directing the petitioners to offer their explanation, and hence, the petitioners are hereby directed to approach the Joint Collector and offer their explanations to the showcause notice, dt. 04.09.1996, issued on them within a period of four weeks from today, and thereafter, the Joint Collector, after holding an enquiry, may pass appropriate orders in accordance with law. Further, it is made clear that during the course of the said enquiry, the respondents shall not dispossess the petitioners from out of the lands in question.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(GOPALA KRISHNA TAMADA,J)

Dt.06.08.2007

v v